

Guido Saveri (22349)
R. Alexander Saveri (173102)
Cadio Zirpoli (179108)
SAVERI & SAVERI, INC.
706 Sansome Street,
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813
guido@saveri.com
rick@saveri.com
cadio@saveri.com

Anthony D. Shapiro (*pro hac vice*)
George W. Sampson (*pro hac vice*)
Ronnie S. Spiegel (*pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 8th Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
tony@hbsslaw.com
george@hbsslaw.com
ronnie@hbsslaw.com

Fred Taylor Isquith (*pro hac vice*)
WOLF, HALDENSTEIN, ADLER,
FREEMAN & HERZ
270 Madison Avenue
New York, NY 10016
Telephone: (212) 545-4600
Facsimile: (212) 545-4653
isquith@whafh.com

Attorneys for Plaintiff Alan Preis

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION

Master File No. M-02-1486 PJH

MDL No. 1486

This Document Relates to:

All Direct Purchaser Actions

**STIPULATION AND [PROPOSED]
ORDER RE ACCEPTANCE OF
SERVICE OF SUMMONS AND
COMPLAINT AND EXTENSION OF
TIME TO RESPOND**

STIPULATION AND [PROPOSED] ORDER RE ACCEPTANCE OF SERVICE AND
EXTENSION OF TIME TO RESPOND; Master File No. M-02-1486 PJH

STIPULATION

This Stipulation is entered into pursuant to Northern District of California Civil Local Rule 7-11(a) between Plaintiff Alan Preis and defendants Hitachi, Ltd., Mitsubishi Electric Corporation, Mitsubishi Electric & Electronics USA, Inc., Toshiba Corporation and Toshiba America Electronic Components, Inc. in *Alan Preis v. Hitachi, Ltd., et al.* (“Preis”) filed January 25, 2010, and assigned to the Honorable Phyllis J. Hamilton, and is made with regard to the following facts:

WHEREAS, plaintiff Alan Preis filed a class action complaint against defendants Hitachi, Ltd., Mitsubishi Electric Corporation, Mitsubishi Electric & Electronics USA, Inc., Toshiba Corporation and Toshiba America Electronic Components, Inc. on January 25, 2010, alleging a conspiracy to illegally fix, raise, maintain and/or stabilize the prices charged for DRAM;

WHEREAS, on January 29, 2010, plaintiff Alan Preis filed an Administrative Motion To Consider Whether Cases Should Be Related to *In Re Dynamic Random Access Memory Antitrust Litigation*, (“DRAM”) Master File No. M-02-1486 PJH, MDL No. 1486, filed in the Northern District of California and assigned to the Honorable Phyllis J. Hamilton (“Related Case Motion”);

WHEREAS, On February 3, 2010 the Honorable Phyllis J. Hamilton issued a Related Case Order, relating the *Preis* matter with *DRAM*;

WHEREAS, the parties have settled the matter and will present the appropriate papers to the Court;

WHEREAS, each of the named defendants has agreed to accept service of the Summons and Complaint in the *Preis* action;

WHEREAS, the parties agree that the acceptance of service of the Summons and Complaint does not waive any and all defenses or objections to the lawsuit;

WHEREAS, Rule 12 of the Federal Rules of Civil Procedure requires an answer or other response either within sixty (60) or ninety (90) days from acceptance of service of the summons and complaint;

1 WHEREAS, the parties wish to extend the deadline for an answer or other response to the
2 *Preis* complaint until a date, if necessary, after the Court rules on the class action settlements.

3 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:**

- 4 1. Defendant Hitachi, Ltd., hereby accepts service of the summons and
5 complaint in the matter *Alan Preis v. Hitachi, Ltd. et al.*, Case No. CV 10
6 0346 PJH;
- 7 2. Defendants Mitsubishi Electric Corporation and Mitsubishi Electric &
8 Electronics USA, Inc., hereby accept service of the summons and
9 complaint in the matter *Alan Preis v. Hitachi, Ltd. et al.*, Case No. CV 10
10 0346 PJH;
- 11 3. Defendants Toshiba Corporation and Toshiba America Electronic
12 Components, Inc. hereby accept service of the summons and complaint in
13 the matter *Alan Preis v. Hitachi, Ltd. et al.*, Case No. CV 10 0346 PJH;
- 14 4. The acceptance of service of the Summons and Complaint does not waive
15 any and all defenses or objections to the lawsuit; and
- 16 5. Each defendant's time to answer or otherwise respond to the *Preis*
17 complaint is extended until a date set by the Court.

18 Dated: February 5, 2010

/s/ R. Alexander Saveri
Guido Saveri
R. Alexander Saveri
Cadio Zirpoli
SAVERI & SAVERI, INC.
706 Sansome Street
San Francisco, CA 94111

Anthony D. Shapiro
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 8th Avenue, Suite 3300
Seattle, WA 98101

1 Fred T. Isquith
2 WOLF, HALDENSTEIN, ADLER, FREEMAN
3 & HERZ
4 270 Madison Avenue
5 New York, NY 10016

Counsel for Plaintiff Alan Preis

6 Dated: February 5, 2010

/s/ Matthew J. Jacobs
Matthew J. Jacobs
McDERMOTT WILL & EMERY LLP
275 Middlefield Road., Suite 100
Menlo Park, CA 94025

Counsel for Hitachi, Ltd.

11 Dated: February 5, 2010

/s/ Brent Caslin
Brent Caslin
Jenner & Block LLP
633 West 5th Street, Suite 3500
Los Angeles, CA 90071

15 Terrence J. Truax
16 Michael T. Brody
17 Jenner & Block LLP
18 353 North Clark Street
19 Chicago, Illinois 60654

*Counsel for Mitsubishi Electric Corporation and
Mitsubishi Electric & Electronics USA, Inc.*

20 Dated: February 5, 2010

/s/ Belinda S. Lee
Daniel M. Wall
Belinda S. Lee
Latham & Watkins LLP
505 Montgomery Street
Suite 2000
San Francisco CA 94111-6538

25 *Counsel for Toshiba America Electronic
26 Components, Inc. and Toshiba Corporation*

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 2/16/10

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